



City of Lowell - Law Department

375 Merrimack Street, 3rd Floor • Lowell MA 01852-5909
Tel: 978.674.4050 • Fax: 978.453.1510 • www.lowellma.gov

Christine P. O'Connor
City Solicitor

Rachel M. Brown
1st Assistant City Solicitor

Gary D. Gordon
John Richard Hucksam, Jr.
Adam LaGrassa
Stacie M. Moeser
Elliott J. Veloso
Assistant City Solicitors

January 24, 2020

City Manager Eileen M. Donoghue
Mayor John Leahy
And
Members of the Lowell City Council

Re: Motion of 1/8/2020 by C. Elliott – Req. City Mgr. Provide a Report on Process to Change Charter to Allow Residents to Vote and Elect the Mayor.

Dear Manager Donoghue, Mayor Leahy, and Members of the City Council

I write in response to C. Elliott's motion for a report on the manner and process in which the City Charter could be amended to revise the way in which the City could allow residents to vote to elect the Mayor. As a Plan E municipality, the City Council currently selects a mayor via majority vote among the councilors-elect on inauguration day pursuant to M.G.L. c. 43, §97. A survey of the City Charters of other Plan E municipalities in Massachusetts found that this method was the typical mayoral selection method. For example, the City Charter of Cambridge, which is a Plan E municipality, adopts M.G.L., c.43, §§93-109 verbatim. As a result, Cambridge's mayor is selected via majority vote by the elected members of its City Council. Similar selection procedures can be seen in other communities that are not Plan E but have city council/aldermen arraignments, such as Everett.

However, the City of Worcester, which is also a Plan E community, selects its mayor through a different procedure. Worcester's City Council consists of eleven members, six councilors who serve in districts and five who serve at large. In Section 2-2(b) of Worcester's City Charter, which was amended in 1985:

"All candidates nominated in the preliminary election for the office of councilor at large...shall appear on the ballot as candidates for councilor at large in the regular municipal election and shall also be listed on a separate portion of the ballot as candidates for the office of mayor. The candidate elected to the office of councilor at large and receiving the highest number of votes for the office of mayor shall be mayor. The candidate elected to the office of councilor at large and receiving the next highest number of votes for the office of mayor shall be vice-chair of the city council."

As a result, in Worcester the mayor is selected by popular vote by the electorate among only those candidates running for at-large seats. Candidate running for district seats are ineligible to be mayor. Other than the selection process, the powers of the mayor of Worcester remain the same as in other Plan E municipalities.

Lowell could adopt Worcester's mayoral election process. Another option would be to adopt a process similar to, but not exactly the same as, Worcester's process. For example, candidates for district seats could also be eligible to run at-large campaigns for Mayor.

Should the City Council wish to amend the City Charter to modify the process for selecting a mayor, the preferred process would be through passage of a Special Act in keeping with the City's Home Rule powers.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Christine P. O'Connor". The signature is fluid and cursive, with the first name "Christine" written in a larger, more prominent script than the last name "O'Connor".

Christine P. O'Connor
City Solicitor